

REMARKS/ARGUMENTS:

Entry of the above amendments, and reconsideration and further examination of this application as amended is respectfully requested. Please cancel claims 4, 5, 25, 34, 35, 55, 62, 63, 80, 84, 86, and 87 without prejudice or disclaimer of the subject matter contained therein. Claims 1-3, 6-24, 26-33, 36-54, 56-61, 64-79, 81-83, 85, and 88-90 remain in the application.

The amendments submitted above to certain claims have been done so either in response to the Examiner's rejections or objections or to correct claim dependency, to correct antecedent basis, to put the claim in conventional form, to correct punctuation, improper word usage, and the like. Specifically, claims 26, 27, 56, 57, 81, and 82 were amended to correct claim dependency due their dependency upon a now cancelled claim. No new matter has been introduced through any of these amendments.

A. Rejection of Claims Under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 10, 40, and 66 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner points out that there is no antecedent basis for the claim elements "displayed text" and "audio output". In response to the above rejection, Applicant has amended claims 10, 40, and 66 to introduce these elements in claims 10, 40, and 66 as new elements with the proper articles "a" and "an." As a result, Applicant believes that claims 10, 40, and 66, as amended, overcome the Examiner's rejection thereof under 35 U.S.C. §112, second paragraph, and reconsideration of that rejection is respectfully requested.

B. Rejection of Claims Under 35 U.S.C. § 101

The Examiner has rejected claims 1-82 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter as not being "within the technologic arts."

In response, Applicant has canceled claims cancel claims 4, 5, 25, 34, 35, 55, 62, 63, and 80 rendering the rejection moot as to these claims. Applicant has also amended independent claims 1, 28, and 58 and dependent claims 16, 46, and 72 to claim in the body of the claims, as the Examiner suggested, that a computer system provides the technology necessary for the

invention. Support for these amendments may be found throughout the specification and in reference to FIGS. 5-7.

Thus, Applicant believes that independent claims 1, 28, and 58, and through dependency, claims 2, 3, 6-24, 26, 27, 29-33, 36-54, 56, 57, 59-61, 64-79, 81, and 82, incorporate the requisite technology required to be directed to statutory subject matter. Accordingly, Applicant requests withdrawal of the Examiner's rejection under 35 U.S.C. §101 for claims 1-3, 6-24, 26-33, 36-54, 56-61, 64-79, 81, and 82.

**C. Rejection of Claims
Under 35 U.S.C. § 102(e)**

The Examiner has rejected claims 1-6, 9-11, 14-25, 28, 31-36, 39-41, 44-55, 60-64, 66, 67, 70-80, and 83-90 under 35 U.S.C. §102(e) as being anticipated by Gever et al., U.S. Patent No. 6,313,835.

In response, Applicant has canceled claims 4, 5, 25, 34, 35, 55, 62, 63, 80, 84, 86, and 87 rendering the rejection moot as to these claims. Applicant has also amended independent claims 1, 28, 58, and 83 to more distinctly distinguish Applicant's invention through the further limitations of: (explain limitations added).

(claims 1 and 28)

wherein said selecting an advertisement step further comprises the step of:

basing said selecting of said advertisement on at least one of:

a characteristic of the user, said characteristic of the user comprising demographic information and an indication of said plurality of advertisements that have been delivered to the user;

a characteristic of at least one advertiser;

at least one advertising requirement; and

at least one characteristic of said at least one character;

(claims 58 and 83)

wherein said selection of said advertisement is based upon information stored in at least a one of:

a user profile database, wherein said user profile database stores demographic information on a plurality of users and stores an indication of said plurality of advertisements that have been delivered to said plurality of users;

an advertiser profile database, wherein said advertiser profile database stores characteristics of at least one advertiser;

an advertisement database, wherein said advertisement database stores said plurality of advertisements and stores characteristics of said plurality of advertisements; and

a character profile database, wherein said character profile database stores characteristics of said at least one character;

Support for these amendments may be found in the specification on page 8, line 9 through page 12, line 3 and in reference to FIGS. 5-7. Applicant submits that Gever et al. does not teach nor suggest the additional limitations of selecting the advertisement based on a characteristic of the user comprising demographic information and an indication of what advertisements have been delivered to the user, or based upon a characteristic of at least one advertiser, or based on at least one advertising requirement, or based upon at least one characteristic of at least one character. Moreover, Gever et al. does not teach nor suggest the additional limitations of selecting the advertisement is based upon information stored in a user profile database having demographic information on a plurality of users and indications as to which advertisements have been delivered to the users, or information stored in an advertiser profile database having characteristics of the advertisers, or information stored in an advertisement database having characteristics of the advertisements, or information stored in a character profile database having characteristics of the characters. Since the Gever et al. reference does not disclose expressly or inherently all of the elements and limitations of Applicant's amended claims 1, 28, 58, and 83, Applicant believes that these claims are not

anticipated by Gever et al. and requests withdrawal of the Examiner's rejection under 35 U.S.C. §102(e).

Claims 2, 3, 6, 9-11, 14-24, 31-33, 36, 39-41, 44-54, 60, 61, 64, 66, 67, 70-79, 85, and 88-90, depend directly or indirectly from independent claims 1, 28, 58, and 83 and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claims 1, 28, 58, and 83, Applicant likewise believes that claims 2, 3, 6, 9-11, 14-24, 31-33, 36, 39-41, 44-54, 60, 61, 64, 66, 67, 70-79, 85, and 88-90 also overcome the Examiner's rejection based on Gever et al. under 35 U.S.C. §102(e), and withdrawal of that rejection in respect to these claims is respectfully requested.

**D. Rejection of Claims
Under 35 U.S.C. § 103(a)**

1. The Examiner has rejected claim 9 (alternatively), 12, 13, 29, 30, 39, 42, 43, 58, and 59 under 35 U.S.C. §103(a) as being unpatentable over Gever et al., International Publication No. WO 97/35280.

In response, Applicant has amended independent claims 1, 28, 58, and 83 to more distinctly distinguish Applicant's invention through the further limitations outlined above in Section C. Support for these amendments may be found in the specification on page 8, line 9 through page 12, line 3 and in reference to FIGS. 5-7. Applicant submits that Gever et al. does not teach nor suggest the additional limitations of selecting the advertisement based on a characteristic of the user comprising demographic information and an indication of what advertisements have been delivered to the user, or based upon a characteristic of at least one advertiser, or based on at least one advertising requirement, or based upon at least one characteristic of at least one character. Moreover, Gever et al. does not teach nor suggest the additional limitations of selecting the advertisement is based upon information stored in a user profile database having demographic information on a plurality of users and indications as to which advertisements have been delivered to the users, or information stored in an advertiser profile database having characteristics of the advertisers, or information stored in an advertisement database having characteristics of the advertisements, or information stored in a character profile database having characteristics of the characters. The Gever et al. reference does not disclose expressly or inherently all of the elements and limitations of Applicant's amended claims 1, 28, 58, and 83, nor would it have been obvious in light of Gever et al. to do

so. Applicant believes that these claims are patentable over Gever et al. and requests withdrawal of the Examiner's rejection under 35 U.S.C. §103(a).

Claims 9, 12, 13, 29, 30, 39, 42, 43, and 59 depend directly or indirectly from independent claims 1, 28, and 58, and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claims 1, 28, and 58, Applicant likewise believes that claims 9, 12, 13, 29, 30, 39, 42, 43, and 59 also overcome the Examiner's rejection based on Gever et al. under 35 U.S.C. §103(a), and withdrawal of that rejection in respect to these claims is respectfully requested.

2. The Examiner has rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Gever et al., International Publication No. WO 97/35280 in view of Rakavy et al., U.S. Patent No. 6,317,789.

In response, Applicant has amended independent claims 1, 28, 58, and 83 to more distinctly distinguish Applicant's invention through the further limitations outlined above in Section C. Support for these amendments may be found in the specification on page 8, line 9 through page 12, line 3 and in reference to FIGS. 5-7. Claim 7, through dependency, embodies all the elements and limitations of independent claim 1. As argued above, Applicant believes that Gever et al. does not disclose all the elements and limitations of Applicant's independent claim 1. Therefore, combining Gever et al. with Rakavy et al., would not arrive at Applicant's invention as found in claim 7. Thus, Applicant believes that dependent claim 7 is patentable over Gever et al. in view of Rakavy et al. Accordingly, Applicant requests retraction of the Examiner's rejection under 35 U.S.C. §103(a).

3. The Examiner has rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Gever et al., International Publication No. WO 97/35280 in view of Makar et al., U.S. Patent No. 6,708,203.

In response, Applicant has amended independent claims 1, 28, 58, and 83 to more distinctly distinguish Applicant's invention through the further limitations outlined above in Section C. Support for these amendments may be found in the specification on page 8, line 9 through page 12, line 3 and in reference to FIGS. 5-7. Claim 8, through dependency, embodies all the elements and limitations of independent claim 1. As argued above, Applicant believes that Gever et al. does not disclose all the elements and limitations of Applicant's independent

claim 1. Therefore, combining Gever et al. with Makar et al., would not arrive at Applicant's invention as found in claim 8. Thus, Applicant believes that dependent claim 8 is patentable over Gever et al. in view of Rakavy et al. Accordingly, Applicant requests retraction of the Examiner's rejection under 35 U.S.C. §103(a).

4. The Examiner has rejected claims 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over Gever et al., International Publication No. WO 97/35280 in view of Alberts, U.S. Patent No. 5,937,392.

In response, Applicant has amended independent claims 1, 28, 58, and 83 to more distinctly distinguish Applicant's invention through the further limitations outlined above in Section C. Support for these amendments may be found in the specification on page 8, line 9 through page 12, line 3 and in reference to FIGS. 5-7. Claims 26 and 27, through dependency, embody all the elements and limitations of independent claim 1. As argued above, Applicant believes that Gever et al. does not disclose all the elements and limitations of Applicant's independent claim 1. Therefore, combining Gever et al. with Alberts, would not arrive at Applicant's invention as found in claims 26 and 27. Thus, Applicant believes that dependent claims 26 and 27 are patentable over Gever et al. in view of Alberts. Accordingly, Applicant requests retraction of the Examiner's rejection under 35 U.S.C. §103(a).

CONCLUSION:


A bona-fide attempt has been made to place this application in condition for allowance. Each of the Examiner's bases for objection and/or rejection have been addressed and the claims have been amended, canceled, or arguments presented to overcome such objections and/or rejections. The application is now believed to meet all statutory requirements and is thus believed to be in condition for allowance. The Examiner's early indication to that effect is, therefore, courteously solicited.

If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Applicant has enclosed a check for fees due with this response. If any additional fees are due with this response, please charge any additional fees due, or credit any overpayment to, deposit account 50-0792.

Respectfully submitted,

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